

## **Forest Conservation Initiative Appendix**



# FOREST CONSERVATION INITIATIVE

The People of San Diego County Do Hereby Ordain as Follows:

## SECTION ONE—FINDINGS AND PURPOSE

- A. Tremendous development pressures in San Diego County are resulting in the rapid fragmentation and destruction of the Cleveland National Forest. Approximately 55,000 acres of land within the Cleveland National Forest are privately owned and, under existing plans, will inevitably be developed. Sustaining and protecting the wildlife resources of the Cleveland National Forest is highly dependent upon limiting urban encroachment on these private lands. Yet, as with the case of the recent adoption of the Central Mountain Subregional Plan update, extensive development has continued on these biologically sensitive land-holdings. This initiative measure creates new policies to limit the conversion of privately owned lands within the Cleveland National Forest to urban uses.
- B. The Cleveland National Forest is one of the largest expanses of undisturbed, natural open space in Southern California and as such is valuable as a watershed, agricultural area, and recreational area for the citizens of San Diego County. The area is also home to a number of threatened or endangered animal and plant species including, but not limited to, Mountain Lion, Bald Eagle, Golden Eagle, Least Bell's Vireo, Orange-Throated Whiptail, Yellow Warbler, Coast Horned Lizard, Englemann Oak, Tecate Cypress, Parish's Meadowfoam, and San Diego Thornmint. Parish's Meadowfoam and San Diego Thornmint are listed as endangered by the California Department of Fish and Game. The Golden Eagle and the Least Bell's Vireo are on the Federal lists of sensitive and endangered species, respectively.
- C. The unique resources of the Cleveland National Forest are of such significance that development on parcels within the Forest must be restricted. The San Diego County Planning Commission indicated that a parcel size of greater than 20 acres was necessary to preserve those pristine areas, and to minimize the impact of development on public lands. The U.S. Fish and Wildlife Service, the California Department of Parks and Recreation, and numerous wildlife biologists have determined that an 80 acre minimum parcel size is required to protect the resources of the Cleveland National Forest. This initiative amends the San Diego County General Plan to impose a minimum parcel size of 40 acres on all privately owned lands within the boundaries of the Cleveland National Forest and outside Country Towns, through December 31, 2010. The initiative also amends the San Diego County General Plan to provide that all such privately owned lands within the boundaries of the Cleveland National Forest and outside Country Towns, through December 31, 2010. The initiative also amends the San Diego County General Plan to provide that all such privately owned lands fall within the "Environmentally Constrained Area" regional category; except for the amendment relating to such private land holdings, the General Plan provisions governing the "Environmentally Constrained Area" regional category remain unchanged by the initiative through December 31, 2010.
- D. Recognizing the need for continued growth and adequate housing in the County, this initiative measure's primary restrictions apply only to the private land-holdings located within the boundaries of the Cleveland National Forest as delineated on the San Diego County General Plan Land Use Map. This initiative measure this does not apply to land located within County Towns. County Towns are historically established retail/residential areas serving surrounding low density rural areas. Attached to this initiative are (1) a map of the Cleveland National Forest illustrating the boundaries of the Cleveland National Forest, and (2) Community and Subregional Plan maps showing the locations of Country Towns. There is abundant land within unincorporated San Diego County, within Country



Towns and outside the boundaries of the Cleveland National Forest, available to meet the expected housing needs identified by the San Diego County General Plan Housing Element. This initiative measure will allow the County to continue to bear its fair share of regional growth, and to provide an adequate range of housing for all sectors of the community, while assuring the protection of the Cleveland National Forest.

- E. The Land Use Element of the San Diego County General Plan adopted January 3, 1979, as amended through April 20, 1992 sets forth several goals essential to protecting the County's environmental resources which this initiative reaffirms and readopts to remain in effect through December 31, 2010; these goals are:

Goal 1.1: Urban Growth be directed to areas within or adjacent to existing urban areas, and that the rural setting and lifestyle of the remaining areas of the County be retained.

Goal 2.6: Insure preservation of contiguous regionally significant open space corridors.

Goal 3.1: Protect lands needed for preservation of natural and cultural resources; managed production of resources; and recreational, educational, and scientific activities.

- F. The Open Space Element adopted December 20, 1973, as amended through April 20, 1992 sets forth several goals essential to protecting the County's environmental resources which this initiative reaffirms and readopts to remain in effect through December 31, 2010; these goals are:

Goal 2: Conserve scarce natural resources and lands needed for vital natural processes and the managed production of resources.

Goal 3: Conserve open spaces needed for recreation, educational and scientific activities.

Goal 4: Encourage and preserve those open space uses that distinguish and separate communities.

Goal II-4: Encourage the conservation of vegetation and trees needed to prevent erosion, siltation, flood, and drought, and to protect air and water quality.

Goal II-5: Encourage the conservation of the habitats of rare or unique plants and wildlife.

Goal II-8: Encourage the preservation of significant natural features of the County, including the beaches, lagoons, shoreline, canyons, bluffs, mountain peaks, and major rock outcroppings.

- G. The Conservation Element adopted December 10, 1975, as amended through April 20, 1992 sets forth several policies essential to protecting the County's environmental resources which this initiative reaffirms and adopts to remain in effect through December 31, 2010; these policies are:

Policy 2: San Diego County shall coordinate with appropriate federal, state and local agencies to conserve areas of rare, endangered, or threatened species.

Policy 7: The County shall establish procedures for acquiring significant wildlife habitats in areas of rapid urban development and areas of projected urban development.

## SECTION TWO—GENERAL PLAN AMENDMENT

The San Diego County General Plan, including its Community and Subregional Plans, as amended through April 20, 1992 (hereinafter the “San Diego County General Plan”) is hereby amended as follows, through December 31, 2010:

- A. The following resource protection goals and policies (set forth in their entirety in findings E, F, and G of section One of the Forest Conservation Initiative) are hereby reaffirmed and readopted: goals 1.1, 2.6, and 3.1 of the San Diego County General Plan Land Use Element; goals 2, 3, 4, II-4, II-5, and II-8 of the San Diego County General Plan Open Space Element; and, policies 2 and 7 of the San Diego County General Plan Conservation Element.
- B. The National Forest and State Parks (23) land use designation as set forth beginning on page II-25 of the San Diego County General Plan Land Use Element is hereby amended through December 31, 2010 as follows:
  1. The existing first sentence of this designation is deleted and the following sentence is added commencing a new subsection (a):
 

“(a) The National Forest and State Parks (23) designation indicates the planned boundaries and major land-holdings of the Cuyamaca Rancho State Park and Anza-Borrego State Park.”
  2. The following is added as new subsection (b) on page II-26 following the provisions of subsection (a) regarding clustering:
 

“(b) The National Forest and State Parks (23) designation also applies to all private landholdings lying within the boundaries of the Cleveland National Forest and outside of Country Towns. For purposes of this subsection, “private land-holdings” means lands held in fee title by any person or entity other than the federal, state, county or local government. A map of the Cleveland National Forest is attached to the Forest Conservation Initiative and incorporated herein for purposes of showing the outer boundaries of the Cleveland National Forest. For all parcels identified above, a forty (40) acre-minimum parcel size and a maximum residential building intensity of one dwelling unit per parcel shall apply. The provisions described in subsection (a) above concerning lot sizes and clustering on lands within Cuyamaca Rancho State Park and Anza-Borrego State Park shall not apply to private land-holdings within the Cleveland National Forest.

“Except as provided hereinafter, until December 31, 2010, private land-holdings inside the boundaries of the Cleveland National Forest and outside Country Towns which are designated National Forest and State Parks (23) in the San Diego County General Plan shall remain so designated unless the County redesignates said land pursuant to the procedures set forth below in paragraphs (1) or (2) of this subsection.

“(1) Private land-holdings inside the boundaries of the Cleveland National Forest and outside Country Towns which are designated National Forest and State Parks (23) may be removed from this designation if all of the follow findings (a-f) are made:

“(a) That the approval will not constitute part of, or encourage, a piece-meal conversion of a larger Cleveland National Forest area to residential or other non-open space uses;

“(b) Adequate public services and facilities are available and have the capability to accommodate the proposed use by virtue of the property being within or annexed to appropriate service districts;

“(c) The land proposed for redesignation is contiguous to a Country Town;



“(d) The proposed use and density are compatible with the environmental resources of the Cleveland National Forest and will not adversely affect the stability of land use patterns in the area;

“(e) Incorporation or annexation to a city is not appropriate or possible within the next five years, based on the following factors: nearby cities’ designated sphere of influence boundaries, city general plan limits and projections, and comprehensive annexation plans; and,

“(f) The land proposed for redesignation does not exceed 40 acres for any one landowner in any calendar year. One landowner may not redesignate lands designated National Forest and State Parks (23) more often than once every year. Landowners with any unity of interest are considered one landowner for purposes of this limitation.

“(2) Lands designated National Forest and State Parks (23) may be removed from this designation if the County, after challenge by an affected landowner, and after considering all facts and applicable legislative and judicial authority in support of this designation finds that denial of a redesignation would constitute, an unconstitutional taking of the landowner’s property or would deprive the landowner of a vested right. In permitting a redesignation pursuant to this paragraph, the redesignation will be granted only after public notice and hearing and only to the minimum extent necessary to avoid said unconstitutional taking or deprivation of vested right.

“The General Plan maps listed below are amended by the Forest Conservation Initiative to provide that all private land-holdings are defined in this subsection lying within the boundaries of the Cleveland National Forest and outside of Country Towns are designated National Forest and State Parks (23). To the extent that the maps listed below depict such private land-holdings as subject to a designation other than National Forest and State Parks (23), those portions of the maps are repeated. Reduced copies of the maps, including text thereon indicating these amendments, are attached to the Forest Conservation Initiative. The maps as amended are incorporated into the San Diego County General Plan.

1. Alpine Community Plan dated July 2, 1990;
2. Ramona Community Planning Area dated January 9, 1989;
3. Julian Community Plan dated September 29, 1989;
4. Desert Subregional Area dated September 28, 1987;
5. Mountain Empire Subregional Area dated September 28, 1987;
6. North Mountain Subregional Area dated September 29, 1989;
7. Central Mountain Subregional Area dated October 6, 1988;
8. Pendleton-De Luz Subregional Area dated February 7, 1986; and,
9. Jamul-Dulzura Subregional Area dated February 13, 1992.

“The County may amend these maps as necessary to reflect:

- Redesignations of land pursuant to subsection (b), paragraphs (1) or (2), of designation (23);
- General Plan amendments relating to land other than private land-holdings lying within the Cleveland National Forest and outside Country Towns;
- The terms and purpose of the Forest Conservation Initiative.”

- C. The Environmentally Constrained Area (1.6) regional category as set forth on page II-11 of the San Diego County General Plan Land Use Element is hereby deleted and replaced with the following to remain in effect through December 31, 2010:

“Environmentally Constrained Areas include floodplains, lagoons, areas with construction quality sand deposits, rock quarries, agricultural preserves, area containing rare and endangered plant and animal species, and all private land-holdings as defined in subsection (b) of designation (23) as amended by the Forest Conservation Initiative within the Cleveland National Forest outside Country Towns. Development in these areas, while guided by the County General Plan, should be preceded by thorough environmental review and implementation of appropriate measures to mitigate adverse impacts.

“Uses and densities will be those permitted by the applicable community and subregional plan map; the County Zoning Ordinance; the Groundwater Policy; and, for private landholdings in the Cleveland National Forest and outside of Country Towns designated National Forest and State Parks (23) a forty acre minimum parcel size shall apply and a one (1) unit per parcel maximum density.

“The resource responsible for the designation of an ECA shall be identified and appropriate mitigation measures included in any project approval.

“Flood prone areas which are not planned for stabilization will be retained in natural, open and other non-urban uses.

“Areas designated Agricultural Preserve shall be designated ‘Environmentally Constrained Areas’.

“The General Plan Regional Land Use Element Map dated August 26, 1991, as amended through April 20, 1992, is amended by the Forest Conservation Initiative to provide that all private land-holdings as defined in subsection (b) of designation (23) lying within the boundaries of the Cleveland National Forest and outside of Country Towns are included within the Environmentally Constrained Area regional category. To the extent that said map depicts such private landholdings as within a regional category other than Environmentally Constrained Area, those portions of the map are repealed. A reduced copy of the map, including text thereon indicating this amendment, is attached to the Forest Conservation Initiative. The map as amended is incorporated into the San Diego County General Plan.

“The County may amend this map as necessary to reflect:

- Redesignations of land pursuant to subsection (b), paragraphs (1) or (2), of designation (23);
- General Plan amendments relating to land other than private land-holdings lying within the Cleveland National Forest and outside Country Towns;
- The terms and purpose of the Forest Conservation Initiative.”

- D. The Special Purpose Designations and Use Regulations Table on page II-24 of the San Diego County General Plan Land Use Element is hereby amended to add a notation to follow the use regulations listed for the National Forest and State Parks (23) designation through December 31, 2010 as follows:

“On private land-holdings as defined in subsection (b) of designation (23) as amended by the Forest Conservation Initiative within the Cleveland National Forest, and outside Country Towns, the maximum residential density is one unit per 40 acres.”



### **SECTION THREE—IMPLEMENTATION**

Upon the effective date of this initiative, the provisions of Section Two of this initiative amending the General Plan are inserted into the San Diego County General Plan, except that if in the year the initiative becomes effective, the four amendments permitted by State law for that year have already been utilized, this General Plan amendment shall be the first inserted into the San Diego County General Plan on January 1 of the following year.

### **SECTION FOUR—EXEMPTIONS FOR CERTAIN PROJECTS**

This initiative shall not apply to any development project which has obtained as of the effective date of the initiative a vested right. The provisions of this initiative shall not apply to the extent that they would violate federal or state laws.

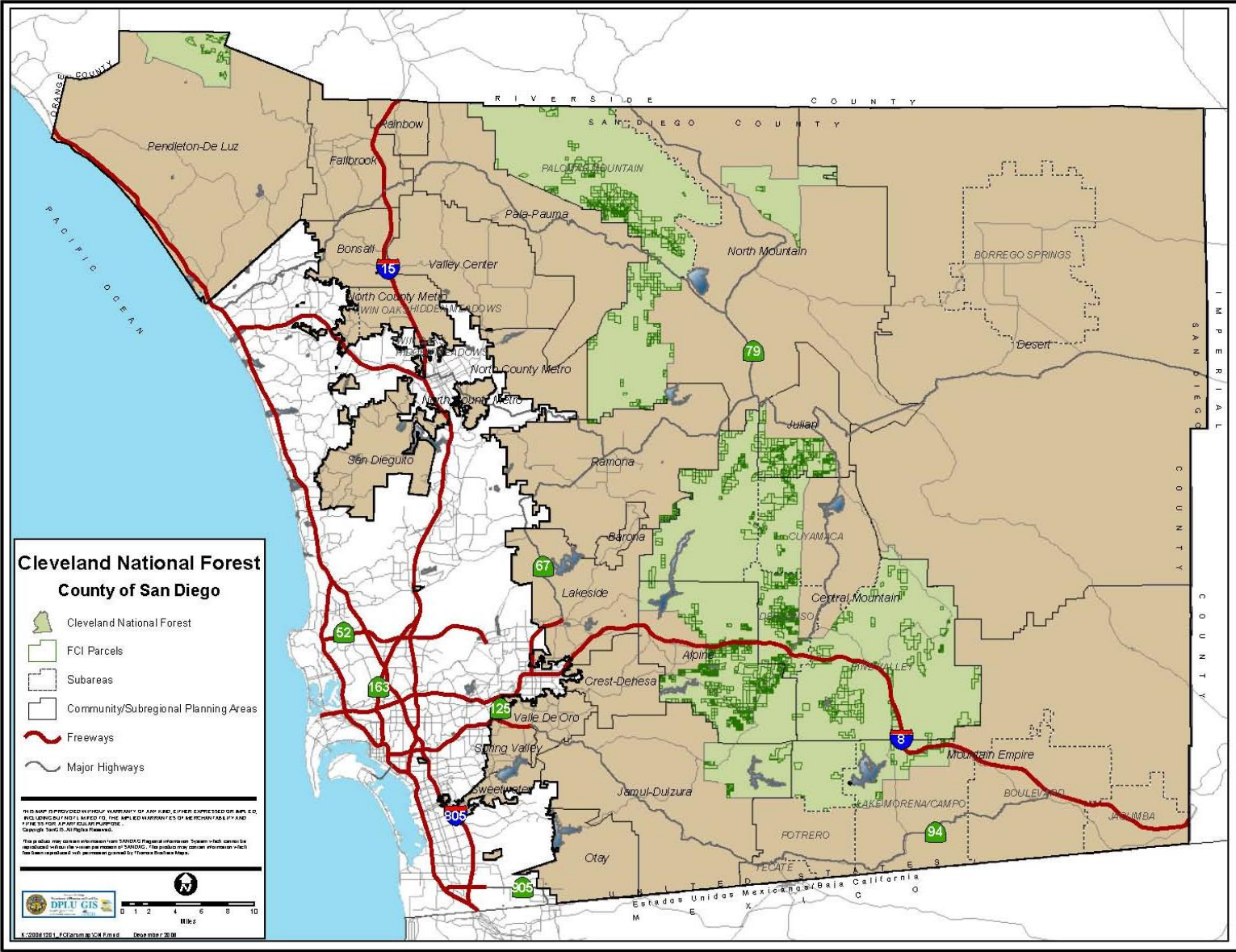
### **SECTION FIVE—SEVERABILITY**

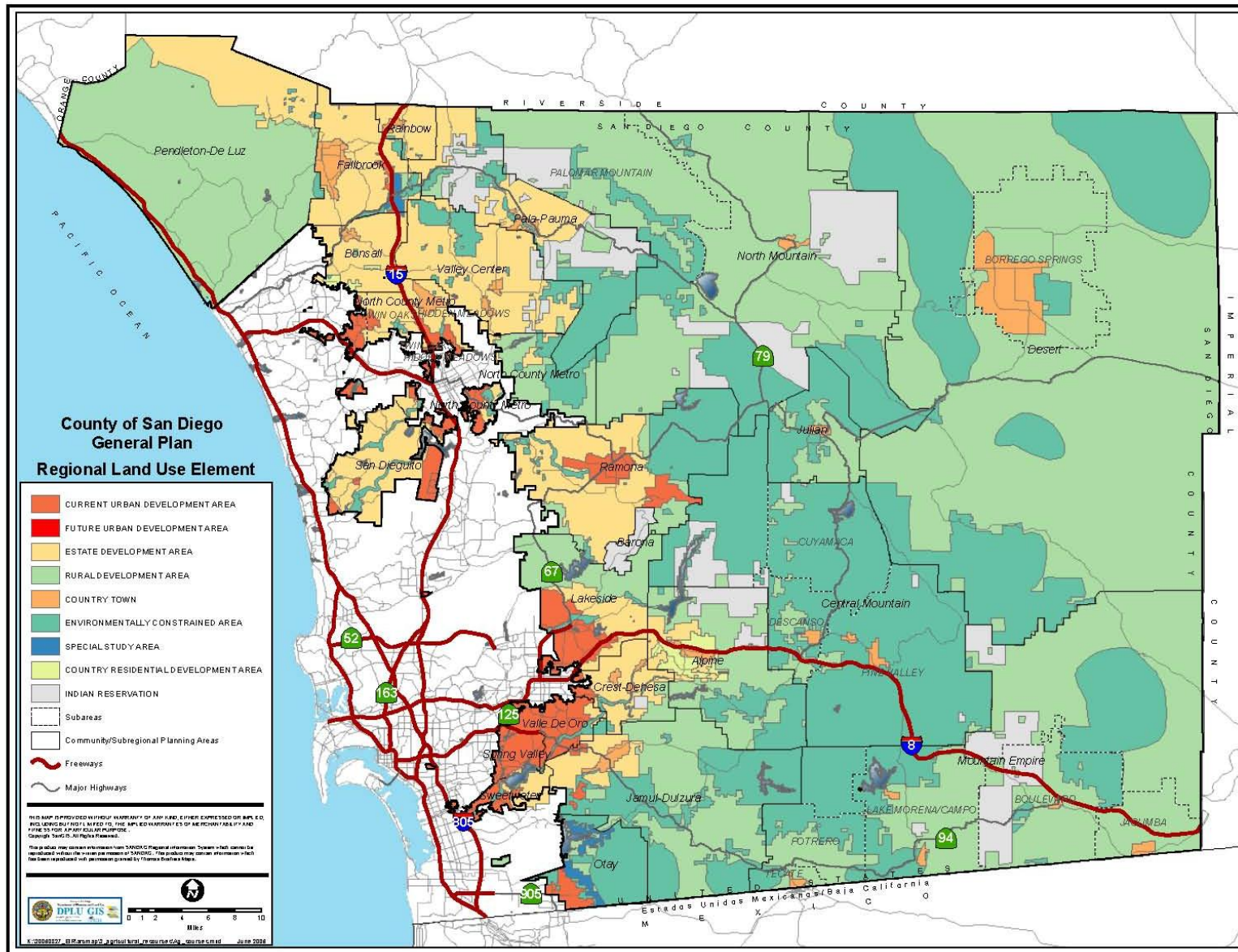
If any portion of this initiative is declared invalid by a court, the remaining portions are to be considered valid.

### **SECTION SIX—DURATION**

This initiative shall remain in effect until December 31, 2010.









## FOREST CONSERVATION INITIATIVE APPENDIX

